



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
November 14, 2017 @ 7:00 P.M.
Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

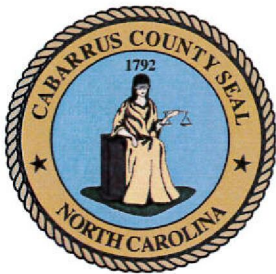
1. Roll Call
2. Approval of August 8, 2017 Planning and Zoning Commission Meeting Minutes
3. Approval of September 12, 2017 Planning and Zoning Commission Meeting Minutes
4. New Business – Board of Adjustment:

Petition VARN2017-00002 – Request for relief from landscape buffers and the required setbacks. Applicant is JR Construction & Remodeling, Inc. The property is located at 2670 Cold Springs Rd (PIN: 5559-86-9372). **Request to Table**

5. New Business – Planning Board Function:

Petition RZON2017-00003 – Request for Conditional Rezoning from Countryside Residential (CR) District to Limited Industrial Special Use (LI-SU) District. Applicant is JR Construction & Remodeling, Inc. Property is located at 2670 Cold Springs Rd (PIN: 5559-86-9372). **Request to Table**

6. Directors Report
7. Legal Update
8. Adjourn
9. Training



Cabarrus County Government - Planning and Development

Planning and Zoning Commission Minutes
November 14, 2017

Mr. Chris Pinto, Chair, called the meeting to order at 7:01 p.m. Members present in addition to the Chair, were Ms. Mary Blakeney, Mr. Jeffrey Corley, Mr. Adam Dagenhart, Ms. Holly Grimsley, Mr. James Litaker, Mr. Andrew Nance, Mr. Charles Paxton, Mr. Richard Price, Mr. Brent Rockett, Mr. Stephen Wise and Mr. Jerry Wood, Jr. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning, Manager, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Ms. Mary Blakeney **MOTIONED, SECONDED** by Mr. James Litaker to **APPROVE** the August 8, 2017, meeting minutes. The Vote was unanimous.

Mr. Jeffrey Corley, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to **APPROVE** the September 12, 2017, meeting minutes. The Vote was unanimous.

New Business:

The Chair introduced VARN2017-00002 - Request for relief from landscape buffers and the required setbacks. Applicant is JR Construction & Remodeling, Inc. the property is located at 2670 Cold Springs Road.

The Chair said there is a request to Table.

Ms. Morris said the two cases on the agenda are related and both are requesting to be Tabled. We anticipate that the applicant is going to come back next month with a straight rezoning request and anticipate that these two cases will formally be withdrawn. At this point, we are requesting that it be Tabled until the applicant can figure out which direction he would like to go.

Mr. Adam Dagenhart, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **Table** VARN2017-00002 - Request for relief from landscape buffers and the required setbacks until the December Planning and Zoning Commission meeting. The Vote was unanimous.

The Chair introduced the RZON2017-00003 – Request for Conditional Rezoning from Countryside Residential (CR) District to Limited Industrial Special Use (LI-SU) District. The applicant is JR Construction & Remodeling, Inc. The property is located at 2670 Cold Springs Road.

The Chair said there is a request to Table.

Mr. James Litaker, **MOTIONED, SECONDED** by Mr. Brent Rockett to **Table** RZON2017-00003 – Request for Conditional Rezoning from Countryside Residential (CR) District to Limited Industrial Special Use (LI-SU) District until the December Planning and Zoning Commission meeting. The Vote was unanimous

Directors Report

Ms. Morris gave an update on the Harrisburg Land Use Plan. She said the first community meeting was held on November 2, 2017. Approximately 45 people came to the meeting. At this point 189 surveys have been submitted.

She said right before the meeting tonight, she sent the Board a link to the overall website, as well as to the survey. There are ten questions to answer and should not take that much time to complete unless you want to provide comments in the other comments boxes. She asked the Board to fill out the survey and to share it with their friends, neighbors and relatives that they may have in the area, so that they can also provide feedback.

On the night of the public meeting, it was the same night that a private event was being held at Town Hall for a candidate meet and greet. We still had a really good turnout and she is not really concerned about that conflict. What we have found historically with Harrisburg is that people are much more willing to go online and fill out a survey and be honest in the survey, then they are willing to come and spend 45 minutes to an hour with you in the evening.

The Board will have the information and she asked them to share it so that we can get the word out. That initial community input really does drive the plan.

She said along those lines, we are scheduled to have a work session on December 10th and it potentially would include the advisory committee (Chris Pinto, Brent Rockett, Jeffery Corley and the two alternates are Rick Price and Charles Paxton). She asked them to check their calendar between the hours of 8 a.m. and 5 p.m. that day and to let her know if there is a four hour block during that day that would work for them.

Mr. Brent said December 10th is a Sunday.

Ms. Morris said she will get back with the Advisory Committee with the correct date.

She said based on the appointments from our last meeting, the Text Amendment Committee will be Chris Pinto, Jeffrey Corley, Brent Rockett and Holly Grimsley and the alternate for the regular members is Adam Dagenhart and the alternate for the alternate member is Jerry Wood, Jr.

Legal Update

Mr. Koch said as far as the Phillip Little case is concerned, the order for arrest was actually

Planning and Zoning Commission
Minutes
November 14, 2017

signed last week. It will be served very shortly and it has already been delivered to the Sheriff's office for them to do their part.

For those of you that may have been by there (the Little property), you can see that sign trailer or trailer that is a sign, actually up to the front of the property where it was when this all started. He (Mr. Little) had moved it kind of to the back and it was still visible from the right of way; so it was still in violation. But now it is back up in front. He does not know what that means, other than he may think he has survived or passed any of the legal ramifications. Well, that may soon quickly change. In any event, it is in the hands of the Sheriff. We will have an updated report next month.

Mr. Koch said the WSACC variance that the Board heard back in August was appealed and will be heard on December 11, 2017, in Superior Court. We will let you know next month how that comes out.

He said the Shelly case is still with the Court of Appeals and there is no change. They did issue some things about a week or so ago, but it was not included in those. We will have to wait our turn he guesses.

Mr. Pinto asked if Mr. Little will get another Christmas package this year.

Mr. Koch said what the Judge did was to change the terms of the compliance part of that, because that is Civil Contempt (Civil Contempt as contrasted with Criminal Contempt). Criminal Contempt they punish you just for doing something that was in violation of a court order; so you have a set punishment. But, it does not really require that you fix whatever the problem was. Civil Contempt on the other hand, basically, they arrest you and they detain you or put you in detention until you comply with that provision of the order, if it can be shown that you have the ability to comply.

He said in this case, he clearly has the ability to comply. He can either paint over the sign, he can cover it or he can move it to where it cannot be seen from the public right of way; he has those options. The way it was originally drawn, was to allow either the Judge or Mr. Koch to determine compliance. Apparently, the Judge was uncomfortable with that so he has now put the responsibility for that on Jay Lowe our Sr. Zoning Enforcement Officer.

The way this is going to work is when they actually do arrest Mr. Little, the Sheriff Deputy involved will call Mr. Lowe and he is going to come out there and if it is still where it is, they will just keep Mr. Little until he decides to get one of his employees or someone else to move it. If they move it in compliance with the Ordinance then he will be released. So, it will be up to Mr. Lowe to determine that. He said it is kind of an unusual and legally interesting situation. Next month he will be able to report to the Board on exactly how it took place.

There being no further discussion, Ms. Mary Blakeney, **MOTIONED, SECONDED** by Mr. Adam Dagenhart to Adjourn the meeting. The vote was unanimous.

Planning and Zoning Commission
Minutes
November 14, 2017

The official meeting ended at 7:15 p.m. After the meeting adjourned, the Board was shown two training modules from the School of Government on Planning Board and Board of Adjustment functions.

APPROVED BY:



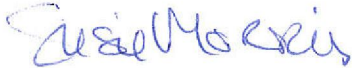
Mr. Chris Pinto, Chair

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:



Susie Morris, Planning and Zoning Manager

Memo

To: Cabarrus County Planning and Zoning Commission
From: Jason Earliwine, Senior Planner
CC: File
Date: 11/8/2017
Re: VARN2017-00002 & RZON2017-00003 JR Construction & Remodeling

JR Construction & Remodeling submitted an application for a Conditional Rezoning and a Variance. The applicant has decided to amend the application and ask for a different zoning designation. This will require new variance and rezoning applications, site plans, and advertising.

The applicant is requesting that the two cases be tabled until the December Planning and Zoning Commission meeting. Staff anticipates that the new cases regarding the subject property should be ready for consideration at the December meeting as long as the applicant meets the established internal deadlines associated with the review of the proposed changes.

Please see the attached email from the applicant's agent, Virginia Moore with Carlos Moore Architects.

Arlena Roberts

From: Virginia Moore <vmoores@cmoorearch.com>
Sent: Wednesday, November 08, 2017 8:43 AM
To: Jason Earliwine
Cc: Susie Morris; Steve Ruggles
Subject: RE: Cold Springs Rd

Susie and Jason,

Please table the previous application and we will proceed with the proposed AO zoning with the intent of the hearing being at the December meeting.

Should you need something further regarding tabling let me know.

Thanks,

--

Ginger Moore
Carlos Moore Architect PA - Business Hours M-H 8 am - 6 pm / F - 8 am - Noon
The Splashpaw Foundation, Inc
222 Church St N
Concord NC 28025
T: 704.788.8333
F: 704.782.0487
www.cmoorearch.com
www.thesplashpawfoundation.org

On Nov 8, 2017 8:14 AM, "Jason Earliwine" <JREarliwine@cabarruscounty.us> wrote:

Good morning all,

This can work and if you all want to proceed this way, we are more than willing to start from scratch. We will have to re-advertise and take it to the Board in December. Our packets with staff report, maps, and site plan were supposed to be delivered to the Board on Monday, so we are out of time to revise any of this application packet. Steve, as we discussed yesterday, you will need to pay the fee to advertise in the paper that we are switching to AO. As long as there are no issues, we can proceed in December. We need something in writing TODAY BY NOON that you all are asking to table this application for the November meeting to reorganize. If we do not hear from you by noon we will have to continue as scheduled.

Let us know if you have any questions.

JASON EARLIWINE

[Cabarrus County](http://www.cabarruscounty.org)

Senior Planner

65 Church St S

Concord, NC 28025

Phone: 704.920.2149

From: Virginia Moore [mailto:vmoore@cmoorearch.com]

Sent: Tuesday, November 07, 2017 9:22 PM

To: Susie Morris <SAMorris@cabarruscounty.us>; Jason Earliwine <JREarliwine@cabarruscounty.us>

Cc: Steve Ruggles <srrhomes@yahoo.com>

Subject: Cold Springs Rd

Susie and Jason,

Please find attached an alternate site diagram if we were to propose AO zoning in lieu of the LISU. His potential uses would then become anything permitted in AO along with this diagram proposing a repair garage in the West Building. It appears that the South tip is in the 100' setback just like the original submittal and application. I think it is 287 sf or so. With the reduced buffer to 38' only a sliver of the driveway is encroaching about 787 sf or so. The building on the East encroaches about 1385 sf.

Steve went and spoke with the neighbors tonight; it seems the issue was noise from the proposed uses. Therefore we plan to eliminate some of those proposed uses and propose a less intense zoning AO. What are your thoughts on this?

Thanks very much,

--

Ginger Moore

Carlos Moore Architect PA - EST 1987

Business Hours M-H 8 am - 6 pm / F - 8 am - Noon

The Splashpaw Foundation, Inc

222 Church St N

Concord NC 28025

T: 704.788.8333

F: 704.782.0487

www.cmoorearch.com